

REMARKS

In response to the Notice of Non-Compliant Amendment, mailed August 21, 2008, please find above a copy of the claims as filed on August 7, 2007. The Legal Instruments Examiner has objected to the amendments to the claims, stating that a complete listing of the claims was not present; that each claim was not provided with a proper status identifier; and that the claims were not presented in proper numerical order.

We have contacted the Legal Instruments Examiner, Rosalind Ball, regarding this Notice. Per a voicemail from Ms. Ball received on August 29, 2007, the first page of claims, which included claims 1-43, appeared to be missing, thus forming the basis for the instant Notice of Non-Compliant Amendment. However, viewing the electronic file through Private PAIR, we were able to confirm that the first page of the claims were in fact filed as of August 7, 2007 and scanned by the Office, but were placed in the section marked "Specification." Thus, it appears the first page of the response was mis-categorized and not available to the Legal Instruments Examiner. As such, though the claims were filed in accordance with Office requirements on August 7, 2007 (as presented above) the Claims section of the electronic file of the USPTO does not accurately reflect the full status of the claims as submitted.

The instant response now provides the Office a second copy of the claims as amended.

In accordance with the Reply filed August 7, 2007, Applicants respectfully submit that all rejections under 35 USC §112, first and second paragraph, and 35 USC §102(e) have been overcome and should be withdrawn, and that the claims currently pending in the present application are in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

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